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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,396	01/30/2004	Gerardus Adrianus Maria Verhoeven	MORIAS1	3794

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EXAMINER

WONG, STEVEN B

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/768,396	Applicant(s) VERHOEVEN, GERARDUS ADRIANUS MARIA	
	Examiner Steven Wong	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-21 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Specification

1. The disclosure is objected to because of the following informalities: the reference to the claims on page 2 is improper.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7, 14, 15 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language “preferably” is confusing when determining the intended scope of the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Steinmann (4,419,081). Regarding claim 1, Steinmann discloses a puzzle piece having a predetermined shape. Note Figures 1A and 1B showing a piece (1) with four possible orientations with respect to the border and a shape symmetry of four and only one mutually different mark (+1) and a piece (2) with four possible orientations with respect to the border and a shape symmetry of two and two mutually different marks.

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Regarding claim 2, the mark appears four times for piece (1) and two times for pieces (2).

Regarding claim 6, note Figures 1A and 1B showing different marks for the pieces.

6. Claims 8, 10-13 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (3,547,444). Regarding claims 8 and 17, Williams discloses a piece (220) comprising marks (242) having different orientations corresponding to possible orientations of the piece with respect to its border.

Regarding claims 10 and 18, Williams provides some of his pieces with eight marks.

Regarding claim 11, note Figure 3 showing a square arrangement for the piece where each quarter turn rotation will allow marks to follow each other.

Regarding claim 12, the marks of Williams differ from one another.

Regarding claim 13, note column 6, lines 5-12 teaching the use of numbers.

Regarding claim 16, note the Figures of Williams showing the marks positioned closest to the edge of the piece.

7. Claims 8, 9, 17 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Wadsworth (3,964,749). Regarding claims 8 and 17, Wadsworth discloses a puzzle piece (Figure 3) having marks thereon. Note Figures 6 and 7 showing the marks for the pieces. Piece (V) presents two marks having different orientations which correspond to possible orientations of the puzzle piece with respect to a border. The first mark extends downward toward the neck of the picture and the second mark extends towards the top of the head of the picture.

Regarding claim 9, the pieces of Wadsworth are shaped as pentomino pieces.

Regarding claim 21, note Figure 3 showing twelve different pentomino pieces.

Claim Rejections - 35 USC § 103

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinmann (4,419,081) in view of Williams (3,547,444). Williams teaches aligning the upper sides of the marks with the respective side of the pieces. It would have been obvious to one of ordinary skill in the art to modify the marks of Steinmann with the upper sides of the marks aligned with the respective side of the piece in order to have the pieces read in different directions.

10. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (3,547,444) in view of Mitchell (5,368,301). Mitchell discloses that it is well known in the art of puzzles and games to provide indicia on both sides of the pieces in order to increase the interest in the game or puzzle. It would have been obvious to one of ordinary skill in the art to provide marks on both sides of the pieces of Williams in order to increase the interest in the game.

11. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (3,547,444). The examiner takes Official Notice that it is well known in the art of puzzles and games to provide a holder having a recess therein for receiving the puzzle pieces. It would have been obvious to one of ordinary skill in the art to provide the game of Williams with a holder having a recess therein for receiving the game pieces in order to store the game pieces when not in use.

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Allowable Subject Matter

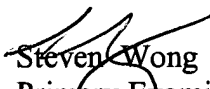
12. Claim 7 appears to read over the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 571-272-4416. The examiner can normally be reached on Monday through Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven Wong
Primary Examiner
Art Unit 3711

SBW
January 7, 2005